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DEC 11 2023

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW YORK  
Eastern District

FILED  
U.S. DISTRICT COURT E.D.N.Y.  
IN CLERK'S OFFICE  
★ DEC 11 2023 ★  
BROOKLYN OFFICE

SP → 12/11/23

UNITED STATES )

OF AMERICA )

V. )

CARLOS SILVA-ARELLANO )

)

-----Case No. CR16-00241-21

Motion to Reduce Sentence Pursuant to 3582(c)(2)

Defendant, CARLOS SILVA-ARELLANO, pro se, enters this motion filed as a 3582(c)(2) and respectfully asks this Honorable Court to reduce his sentence based off the facts presented in this motion.

Facts Presented

On August 24, 2023, The United States Sentencing Commission (USSC) voted by a vote of 4 to 3 to make retroactive the amendments to how the sentencing guidelines calculate criminal history. The amendment itself is slated to go into effect on November 1, 2023. The courts will be able to issue orders of resentencing on February 1, 2024. With the amendments, the judges will be able to reduce the sentencing range by two levels if the defendant meets a long list of criteria. The list states:

The defendant did not

1. receive any criminal history points;
2. receive a terrorism adjustment;
3. use violence or credible threats of violence in connection with the offense;
4. possess, receive, or otherwise handle a firearm or other dangerous weapon;
5. personally cause substantial financial hardship;
6. receive a hate crime, vulnerable victim, or serious human rights weapon;
7. receive an aggravating role adjustment;
8. engage in a continuing criminal enterprise.. In addition, the instant offense cannot

have resulted in death or serious bodily injury; was not a sex offense; and not an offense involving individual rights. See US Sentencing Commission News Release, "Back in Business" U.S. Sentencing Commission Acts to Make Communities Safer and Stronger, April 5, 2023, <https://www.ussc.gov/about/news/press-releases/april-5-2023>.

A sentence reduction based on a change in the Guidelines is governed by 18 U.S.S.C. 3582(c)(2). The reduction is applicable as it is consistent with applicable policy statements issued by the Sentencing Commission. The authority of a district court to modify an imprisonment sentence is normally limited by statute. A judgment of conviction that includes a sentence constitutes a final judgment and may not be modified by a district court except in limited circumstances. Section 3582(c)(2) establishes an exception to the general rule of finality "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission and made retroactive." Dillon v. United States, 560 U.S. 817, 824, 130 S. Ct. 2683, 177 L. Ed. 2d 271 (2010) (Citing 18 U.S.C. 3582(c)(2)). This motion should present enough to get the relief requested.

#### Conclusion

With these changes made by the USSC, defendant is doing what is required to get the benefits of this sentence reduction. Defendant has a statutory release date projected on September 6, 2025. This reduction will get defendant home sooner. Defendant appreciates the Court's time and attention with this motion. Defendant is only requesting this Honorable Court to give him some relief with this conviction and help with a sentence reduction. As there may be numerous ways to enter these motions, defendant believes this 3582(c)(2) motion is the proper avenue. However, a pro se complaint is entitled to a generous interpretation. The United States Supreme Court holds allegations of a pro se complaint to less stringent standards than formal pleadings drafted by lawyers. See Haines v. Kerner, 404 U.S. 519, 30 L. Ed. 2d 652, 92 S. Ct. 594 (1972).

Certificate of Service and Declaration

I, CARLOS SILVA-ARELLANO, hereby declare under penalty of perjury according to the Course of Common Law, and in good faith, that the statements, information, documentation and facts in the foregoing instrument are true, correct and are not intended to mislead. This Motion to Reduce Sentence pursuant to 3582(c)(2) was placed in the institutional USPS mail system with proper postage and sent to:

Clerk's Office, Theodore Roosevelt United States Courthouse, 225 Cadman Plaza East, Room 118S, Brooklyn, NY 11201-1818 on this day of ~~December~~ 5, 2023.

Sincerely,

Carlos Silva-Arellano

*Carlos Silva Arellano*

#84077-053

FCI Fort Dix

P.O. Box 2000

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(84077053)  
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